SUPREME COURT OF THE UNITED STATES

October Term, 1941

No.....

LUIGI SCHIAFFINO, PAOLO CALTAFIANO, LORENSO BARZELATTO, CESARE DI MAZZO, CARLO EMANUELE GALLINO, FRANCESCO SCIANCALEPORE, GIUSEPPE ZIZZO, LORENZO SALVATORE MAFFEI, SERGIO MINERVINE, ANGELO ARMENIA, ARMANDO MORFI, DANIELE SORRENTINO, UMBERTO SARBIA, PASQUALE DE GREGORIO, CONSTANTINO CABOARA and GIUSEPPE ABRAZZO,

Petitioners,

against

UNITED STATES OF AMERICA,

Respondent.

BRIEF IN SUPPORT OF PETITION FOR CERTIORARI.

A.

Introductory Statements.

1.

Report of Opinion Below.

The opinion of the Circuit Court of Appeals is reported in 124 F. (2d) 310. No opinion was rendered by it in denying the petition for a rehearing. And no opinion was rendered by the District Court.

2.

Jurisdiction.

The judgment of the Circuit Court of Appeals denying the petition for a rehearing was entered on the 31st day of January, 1942.

The jurisdiction of this Court is invoked under Section 240(a) of the Judicial Code as amended in the Act of February 13th, 1925, (43 Stat. 938; 28 U. S. C. A., sec. 347).

3.

Specifications of Error.

The specifications of error are set out in the Petition supra (3-5).

B.

Argument.

In view of the substantial identity of the facts and issues herein with those in *Bersia et al.* v. *United States*, argued herewith, we would respectfully ask the Court to consider the written argument filed in support of the petition for certiorari therein to have been repeated herein and to accord it the same force and effect in disposing of this petition as it would have received if here set out in *extenso*.

The writ of certiorari prayed for should be granted to the end that this Court may review and reverse the judgments entered below.

Respectfully submitted,

HOMER L. LOOMIS,
CHARLES RUZICKA,
Counsel for Petitioners.